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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,865	08/20/2003	Spencer B. Dick	PAI 309B	7676
23581	7590	06/16/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			BAHTA, KIDEST	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,865	Applicant(s) DICK ET AL.	
	Examiner Kidest Bahta	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

1. Claims 7-8 are objected to because of the following informalities: Claim 7 and 8 should be depend in claim 6 and claim 9 should be depend in claim 8. It is noted that it may be result of typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 6-8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy et al. (U.S. Patent 6,520,228).

Regarding claims 1-2, 6-8 and 10-11, Kennedy discloses that connecting a computer to a saw machine (Fig. 1, element 56), the computer being programmed to optimize cutting of stock to satisfy a cut list (column 7, lines 50-60); operating a pusher to push a work piece along a processing path (column 11, lines 44-62; column 14, lines 18-22); determining the length of work piece based on the position of the pusher when the end is sensed (column 10, lines 27-42 and 51-60) automatically calculating a plan for optimal cutting of workpiece to fulfill cut list requirements (column 4, lines 24-34;

column 10, lines 44-50; column 11, lines 15-29), executing the plan including automatically pushing the workpiece toward the saw and cutting workpiece into one or more cut list part (Abstract); inputting location of a defect in the workpiece into the computer prior to the calculating step (Fig. 3), the operating, determining, calculating, executing steps are all control by the computer (column 13, line 62- column 14, line 11; Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (U.S. Patent 6,520,228) in view of Hurdle Jr. (U.S. Patent 5,201,351).

Regarding claims 3-5 and 9, Kennedy discloses the limitations of claims 1 and 6 as stated above in par. 3. However, Kennedy fails to disclose the limitations of claims 3-5 and 9. Hurdle discloses the limitation of claims 3-5 and 9 as follow: a source produce a light beam substantially parallel to the processing path, and a detector connected to the computer and configured to detect the light beam, wherein deflection of the light beam can be interpreted by the computer to locate a defect boundary on the workpiece (column 7, lines 57-65; column 8, lines 39-46; column 13, lines 1-18); an audible or

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visible signal mechanism indicating completion of a marking event by deflection of the light beam (Fig. 1).

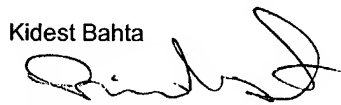
It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the teachings of Kennedy with the teachings of Hurdle in order to monitor the position of the workpiece and to adjust curve for optimized cutting by the cutting device along the tool path corresponding to the position.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M- F from 7:30 a.m. to 5:00 p.m. EST (every other Friday). If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, the fax phone for Art Unit 2125 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta



June 12, 2004